

REMARKS

This amendment is being filed in response to the final Office Action mailed July 21, 2010. In that Office Action, claims 1-3, 5-6, 8, 21-23, 26 and 28-29 were rejected on prior art grounds. Claims 1 and 21 are currently being amended while claims 4, 7, 9-20, 24-25, 27, and 30-32 were previously cancelled. Accordingly, claims 1-3, 5-6, 8, 21-23, 26, and 28-29 remain pending in the application.

§ 103 Rejections

Claims 1-3, 5-6, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Odinak et al. (U.S. Patent Application Publication No. 2002/0143645; referred to herein as Odinak '645) in view of Odinak et al. (U.S. Patent Application Publication No. 2002/0141547; referred to herein as Odinak '547). Claims 21-23, 26, and 28-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Odinak '645 in view of Odinak '547 and further in view of Smith (U.S. Patent No. 7,668,968). Applicant respectfully traverses these rejections for the reasons discussed below.

Claim 1 has been amended to recite, *inter alia*, the step of "transmitting the at least one formulated response via the digital packet data protocol over the wireless network to the telematics unit, wherein the digital signal transmitted to the computer-end recipient and the formulated response are each compressed at different compression ratios based on whether the digital signal or formulated response is audibly played in a vehicle." The combination of Odinak '645 and Odinak '547 does not teach or suggest this. For instance, Applicant can compress the transmission of data from the vehicle at a greater ratio than which it receives communications at the vehicle because the transmission from the vehicle will not ultimately be converted into audible sound. More specifically, Applicant states that "the transmission of data from mobile vehicle 110 is highly compressed and encoded, as the end-recipient is a computer application" and that the "transmission of data from the virtual advisor 178 to the mobile vehicle 110 is compressed to allow the user of the mobile vehicle 110 to understand the response." Neither Odinak '645 nor Odinak '547 contemplate different compression ratios, much less the reasons for using those ratios. Applicant notes that Smith has been cited in the Office Action as teaching a VOIP application that compresses a digital signal at a

particular compression ratio and compressing a response at a compression ratio less than the particular compression ratio.¹ However, Smith fails to teach or suggest compressing the digital signal transmitted to the computer-end recipient and the formulated response at different compression ratios based on whether the digital signal or formulated response is audibly played in a vehicle. Rather, Smith alters a compression ratio based on the congestion and bandwidth estimates generated by the VOIP application—not based on whether or not the communication will be audibly played. Smith states that “bandwidth estimates are compared to a sending bandwidth” and when “the bandwidth estimate is above the sending bandwidth, compression and audio frame decimation are reduced to improve voice quality.”² Here, Smith explains that compression is altered based on bandwidth estimates, which has nothing to do with whether or not a digital signal or response is audibly played. Moreover, the VOIP application disclosed by Smith does not contemplate a situation in which the communications at either end would not be audibly played. Thus, Smith cannot reasonably be interpreted as making up for the deficiencies of Odinak ‘645 or Odinak ‘547.

Amended claim 21 is also distinguishable over the combination of Odinak ‘645, Odinak ‘547, and Smith. For instance, claim 21 has been amended to recite, *inter alia*, “compressing the digital signal at a particular compression ratio that is established for transmitting voice queries that are not audibly reproduced” and “compressing the at least one response at a compression ratio that is established for audible playback in the vehicle, which is less than the particular compression ratio.” As noted above, Applicant can find nothing in Odinak ‘645, Odinak ‘547, or Smith that would be interpreted as teaching one compression ratio for voice queries not audibly reproduced and another for audible playback in the vehicle. Therefore, the combination of Odinak ‘645, Odinak ‘547, and Smith relied upon in the Office Action does not render obvious Applicant’s claims.

Accordingly, for at least these reasons, the Applicant respectfully traverses the rejections of claims 1 and 21. Since claims 2-3, 5-6, 8, 22-23, 26, and 28-29 each ultimately depend from one of claims 1 and 21, these dependent claims should also be allowed therewith.

¹ Final Office Action, July 21, 2010, page 11, lines 10-12.

² Smith, U.S. Patent No. 7,668,968, abstract.

Applicant respectfully requests reconsideration of the above rejections. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

REISING ETHINGTON P.C.

/James D. Stevens/

James D. Stevens
Registration No. 35,691
P.O. Box 4390
Troy, Michigan 48099
(248) 689-3500

Date: November 22, 2010
JDS/ECC